

REMARKS

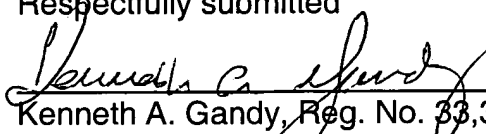
The present application contains claims 11-23, 38-43, and 79-83 pending and under consideration. These claims stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-14 of U.S. Patent No. 6,033,907. In response to such rejection, in hopes of expediting the present application and without admission, submitted herewith is a terminal disclaimer relative to the '907 patent.

Claims 11-23, 38-43, and 79-83 also stand rejected under 35 USC § 102(f)/103 as being unpatentable over the claims 1-14 of U.S. Patent No. 6,033,907. This rejection is respectfully traversed. The present claims enjoy a priority date at least as early as, if not earlier than, the priority date for the claimed subject matter in U.S. Patent No. 6,033,907. It is noted that the present rejection is not founded upon a judicially created doctrine similar to that found in obviousness-type double patenting. Rather, for the rejection to stand, the invention presently claimed must have been derived from another in accordance with the statutory requirement. That is not the case here. It is submitted that the rejection should be withdrawn.

In light of the foregoing, it is believed that this application is condition for allowance containing claims 11-23, 38-43, and 79-83. Action to that end is solicited.

Respectfully submitted

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